Revenue (192 /) Department

Honinary SERIE

G.O. No. 900

DATED 12-5-1927

[Despatch Abstract.]

Suits - South Kanara - Mangalore Sub Court O.S. 59/24 - Deceased Rudrayya's property - Decision - Appeal not to be filed.

REVENUE **DEPARTMENT.**

CURRENT No. 75-B

Received No. ..... 192 *Registered* 8.1. 192 7

Subject.

SUITS - (South Kanara) - Mangalore Sub Court - O.S. 59/192-
Escheat - Compromise - Collector's letter - Recorded.

ENCLOSURES
No.....
.....
Spare copies.....

Misc. No. 44

Station Madras. , *Dated the* 6th January 192 7.

From W. Scott Brown Esq., I.C.S.,
Secretary,
Land Revenue. &
The Board of Revenue, ~~Revenue~~ Settlement, etc.
~~Separate Revenue~~

Resolution
~~Reference~~

W.A.B. Vernon Esq., I.C.S.,
Commissioner of Land Revenue.

Again B.P. 2690 Mis. dated 22nd November 1926.

" B.P. 2778 (Confdl) Mis. dated 30-11-1926.

Also letter from G.W. Wells Esq., M.A., I.C.S., Collector of South Kanara, No. Ref. on A3-4677-21, dated 9th December 1926.-

Suits - Mangalore - Sub Court - O.S. 59/1924 - Escheat Compromise.

B.P. Mis. Confdl. No. 2778, dated 30th November 1926.

I discussed with the Government Pleader, Mangalore, the possibility of having an outright

aid down by the Board and I have also obtained his remarks in riting. A copy of his letter dated 6-12-1926 is enclosed.

2. The Government Pleader's letter shows that it will not be ossible to have an outright compromise on the lines suggested the claim of the Government in respect of some of the properies (vide schedules B, C and D attached to the Government leader's letter) is weak and doubtful and that Government will bstantially succeed in recovering possession of only the roperties mentioned by him in schedule A. As the Governmen leader says that the total value of the improvements on the schedule property which Government are in his opinion, sure get possession of, comes to Rs.632-4-0 and as the mesne ofits for the 3 years prior to the date of the suit and the bsequent period will be much more, I have authorised him to cept the original proposal of the defendants and proceed th the case.

ESOLUTION.

R e c o r d e d.

(True Extract)

Secretary.

o the Collector of South Kanara.

o the Secretary to Government, Revenue Department.

.S/7.1.27.

Schedule A.

Village.	S.F. No.	Sub Divn. No.	Kissam.	Extent A.	Extent C.	Assessment Rs.	Assessment As.	Annual income Rice.	Annual income Rs.	Annual income As.	Remarks. Valu of improvemen
Kokkada	52	4	Wet	0	74	2	13	4½			
do	130	5	do	0	96	4	12	10			
	143	1	do	4	68	17	9	18			
	143	3	do	1	65	4	2	6			
	142	2	Garden	0	68	3	6	0	4	0	
	211		Dry	0	51	0	3				
Hankrady	42	3	Wet	1	36	5	1	11			
do	41	5	Garden	1	10	3	5	0	4	0	
do	43	2	Wet	1	15	4	7	10			
Kokkada	134	6	do	2	6	10	5	21			
do	33	5	do	2	39	11	15	9			Rs.49/1/0
	32	1	Dry	5	11	1	15		6	0	
	32	5	Garden	0	76	2	5	0	4	0	
do	11	1	Wet	1	40	7	1				
	24	5	do	1	19	4	7	30			Rs.20/10/0
	11½	3	do	1	34	6	11				
	113	1	do	0	93	3	8				
do	52	6	Wet	0	80	3	0	13½			
do	43	5	do	1	18	5	15				
do	149	6	do	1	81	5	1				
do	149	7	Garden	1	69	9	7				
do	181		do	0	8	0	4	10			Rs 539-8-
do	228	2	do	0	43	0	14				
Hankrady	50	15	Wet	1	39	4	14	5			
Kokkada	~~24~~ 18	16	do	0	83	1	11	2½			
do	18	4	do	0	26	0	8				
do	26	9	do	1	61	8	1				
do	25	5	do	0	76	3	13	17	6	0	
do	26	4	do	0	38	1	14				
do	208		Garden	1	17	2	5				
do	18	8	Wet	0	73	3	11				
do	18	3	do	2	50	5	0				
	18	7	do	0	78	1	9				
	18	1	do	0	72	3	10				

Schedule A., continued.

Village.	S.F. No.		Sub Divn. No.	Kissam	Extent A.	C.	Assessment. Rs.	As.	Annual income Rice.	Rs.	As.	Remarks. Value of improvement &c
kkada	27	✓	3	Wet	0	50	2	8				
	27	✓	8	do	0	49	2	7				
	26	✓	8	do	0	18	0	4				
	27	✓	14	do	0	26	0	6	4	17	8	
	27	✓	12	do	1	0	1	0				
	27	✓	15	Garden	0	22	1	2				
	27	✓	13	Dry	0	56	0	5				
lo	29	✓	11	Wet	1	50	7	8				
	29	✓	7	do	0	41	2	1	5	5	0	Rs.8-8-0
o	33	✓	7	do	0	38	1	14	3			
o	33	✓	1	Dry	3	38	2	9				
	33	✓	2	Wet	0	33	0	8	17	6	0	
	33	✓	3	do	2	92	14	10				
o	140	✓	1	do	0	96	3	10	8			
Iliyadi	29	✓	2	do	1	46	7	4				
	28	✓	9	do	0	96	2	14	10	6	0	
do	7		2	do	0	32	1	10				
	8	✓	3	do	2	66	10	0	10	5	0	
kkada	7	✓	5	do	1	24	0	10				
	120	✓	5	[illegible]	2	42	2	7				63-4-0
	120	✓	7	[illegible]	1	73	1	5				
kkada	113	✗	1	[illegible]	0	66	0	4				
	101	✗	[illegible]	[illegible]	1	21	0	5				

Schedule B.

Village.	S.F. No.	Sub divn No.	Kissam.	Extent		Assessment. Rs.	As.	Annual income Rice.	Rs.	As.	Value of improvemen
Kokkada	32	2	Dry	7	8	2	11	0	32	12	
	119	6	Wet	0	56	0	7	0	12	0	
do	126	1	do	0	47	2	3	4			
do	19	3B	Garden	0	31	0	10	0	1	0	
do	20	4	Wet	0	42	0	13	0	4	0	
do	65	4	do	0	25	1	4	1	3	0	
do	65	6	Garden	0	22	1	9				
do	33	8	Wet	1	45	1	7		8	0	
do	33	9	Dry	1	13	0	9				
do	118	4	Wet	2	75	13	12	27			
do	117	4	Garden	1	95	3	14		6	12	

Schedule C.

Kokkada	198		Dry	1	12	0	7		
	114	1A	do	0	41	0	2		
	114	3	Garden	0	61	1	4		
	123	3B	do	0	70	1	6	...	
	115	3	Wet	2	68	2	11		
Naukrady	29	1B	Garden	0	56	1	2		Rs.328-10-
do	51	2B	Dry	0	34	0	2		Rs.98-12-3

Schedule D.

Naukrady	28	1	Wet	1	73	6	8		
do	28	2	do	0	27	0	7	1	
do	28	4	do	0	50	0	8		
do	28	3	Garden	0	17	1	3		
Kokkada	15	1	Wet	4	27	21	5		
do	15	2	Garden	0	10	0	5		
do	17	7B	do	1	26	2	8	11	
Naukrady	61	7	Wet	1	3	1	1		

Copy of letter from the Government Pleader, Mangalore

nil, dated 6th December 1926 to the Collector of South Kanara

Ref:- O.S. No. 59 of 1924 on the file of the Sub Court.

With reference to the proposed compromise, I beg to state as follows:-

If the proposal of the contesting Defendants namely that they will concede that there was no heir of Rudraya living after the death of his daughter Sridevi in case the plaintiff relinquish his claim for mesne profits for the period prior to 3 years before the institution of the suit be accepted, I think the Government will be able to recover possession of the properties in schedule A annexed hereunto. The same schedule gives the extent of the properties and the rate at which the mesne profits may be decreed.

The total assessment of the properties of which possession is claimed is Rs.298-10-0 and a reference to schedule A will show that the Government will substantially succeed.

2/ Properties of which the Government cannot get possession have been shown in schedule B. There is no evidence to prove that those properties formed part of Rudrayya's estate and that the persons in possession acquired title as alienees from the legal representatives of Rudrayya. The claim in respect of those properties will therefore fail whether the proposal of the defendants be accepted or not.

3/ The properties in schedule C admittedly did not form part of Rudrayya's estate; but were subsequently granted on darkhast by Government as kumki to warg lands. Government claims such plots as accessions to the estate. The claim in respect of the C schedule properties is doubtful. The value of the improvements on the C schedule properties has been shown in the last column. If possession is decreed the improvements will have to be paid for.

4/ The properties described in schedule D have been divided into two portions items I and II. The Government will be found entitled to the properties and with regard to portion marked II actual possession will not be decreed as the property was

on mulgeni by Rudrayya himself. The rental reserved is only Rs.20 whereas the present assessment is Rs.25-3-0. Till the rent is enhanced in accordance with the provisions of the Mulgeni Rent Enhancement Act Government will not get any profit out of this land

M/362-64 of Supplement to Madras Gaz—

With regard to the portion marked I, the defendant who is in possession of it claims it on volabalike right. There is some documentary evidence in support of his contention. But at the same time there is a mulgeni chit in favour of the defendant's father granted by Sridevi. Defendant's contention is that if the mulgeni is found to be invalid he can rely upon the volabalike right. It is doubtful whether Government will get actual possession.

The total value of the improvements on schedule A property of which I think the Government is bound to get possession comes to Rs.632-4-0. The mesne profits for the 3 years prior to the date of the suit and the subsequent mesne profits will be much more than that as will be seen from schedule A.

A reference to the schedules annexed hereunto will show that the Government stands to gain by accepting the proposal and I therefore request that I may be authorised to accept the same.

So far as the ex-parte defendants are concerned formal evidence has already been adduced to prove that after Sridevi there was no heir of Rudrayya living.

44
48.3

Revenue Department.

O.M.No. 758/27-1 718 3 27

Suits (S.Kanara) - Mangalore Sub Court - O.S.No.59/24 - Escheat - Compromise - B.P.No.44 Mis. d. 6-1-1927.

In B.P.No.2778 Mis. dated 30-11-1926, the Board of Revenue directed the Collector of S.Kanara to arrang for an outright compromise of the suit, O.S.No.59/24 on the file of the Sub Judge, Mangalore, subject to the following conditions:--

(i) that the Government should immediately be put in possession of the lands together with the improvements effected thereto;

(ii) that the Government should give up their claim for mesne profits except for 3 years prior to the date of the suit and subsequent to the suit;

(iii) that the Government should pay the value of the improvements to the defendants and also costs, if the total is less than the mesne profits to which

the Government would be entitled under condition (ii) above;

(iv) that the defendants should concede that there were no heirs of Rudrayya living at the time of the death of Shridevi, the last heir of Rudrayya.

The Government Pleader, Mangalore has reported that ~~probably~~ the Government will probably succeed in recovering possession of the properties mentioned in Schedule A only, that their claim to the properties mentioned in Schedules B, C & D is weak and doubtful and that the suit cannot therefore be compromised outright as ordered by the Board.

If the suit cannot be compromised outright as reported by the Govt. Pleader, the Govt. are disposed to think that they may withdraw from the suit in respect of the properties in Schedules B, C & D, the suit being compromised in respect of the properties in Schedule A.

The Board is requested to

report on this proposal and to ascertain from the [illegible]ader, Mangalore and report what would be the financial effect of the proposal.

MMV 10·3·27

To the Board of Revenue, L.R. & S.

DEPARTMEN

CURRENT No. 1781/2

Received 2-MAY 1927 1927 Registered 2-5 1927.

ASST. SECRETARIAT GOVT. REVENUE DEPARTMENT

Subject.

Suits - (South Kanara) - Mangalore Sub-Court - O.S.59/24 - Deceased Rudraya's property - Escheat - Appeal.

ENCLOSURES
No.
Spare copies

Reference No. A.1968/27-2.

Station Madras, *Dated the* 29th April 1927.

From
W.Scott Brown, Esq., I.C.S.,
Secretary, Land Revenue.

The Board of Revenue, Revenue Settlement, etc.
Separate Revenue.

H.A.B.Vernon, Esq., I.C.S.,
Commissioner of Land Revenue

Resolution
Reference.

Read the following papers

I.

Letter from E.M.Gawne, Esq., I.C.S., Collector of South Kanara, Ref.on A.3 No.4677/21, dated the 29th March 1927.

II.

-do- -do- 29th March 1927.

Reference.

With reference to Government Memorandum No.75-B-27 ed the 18th March 1927, the Board submits that the suit h eady been decreed practically on the lines on which Gover t proposed to compromise it. Copies of the Judgment and decree in the case are enclosed for reference and return

when done with.

2. The Collector does not recommend an appeal against he decree in the case and the Board supports his recommendation.

3. The copy of the A schedule attached to the Collector's letter read in B.P.No.44 Mis., dated 6th January 1927 requires the following correction.

(1) For S.No.111-3 A read 115-5 A

(2) For S.No.24-18 read 18-5 and

(3) Add the following S.Nos.113-1, 141, 120-5 and 120-7.

4. A statement showing the financial effect of the decision is enclosed.

W Stott Bourne 3/4
Secretary.

To the Secretary to Government, Revenue Department, with a statement and copies of the Collector's letters

Costs and mesne profits sanctioned to Government.

87 - 6 - 1
5 - 0 - 6
464 - 5 - 4
515 - 3 - 0
217 - 9 - 6
217 - 9 - 6
100 - 6 - 9
207 -15 - 9
11 -12 - 0
436 -11 - 0
24 -15 -11
206 - 6 - 1
17 - 3 -10
12 -12 - 9
1 -10 - 4
624 - 0 - 2
45 -10 - 3
17 - 0 -10
280 -12 - 0
260 -12 - 6
34 -10 - 9
103 -15 - 7
7 - 0 - 3
51 -15 - 8
3 - 1 - 9
353 - 1 - 3
27 - 6 - 9
187 - 2 -11
12 - 9 - 5
139 - 2 - 7
12 -14 - 5
134 -15 - 8
10 - 9 - 1
71 -15 - 8
4 - 2 - 8
372 -12 - 6
25 - 7 - 4
166 - 6 - 5
9 - 4 - 4
227 - 2 -11
15 - 1 - 7
47 -15 - 9
3 -14 - 3

Costs of suit and cost of im ments sanctioned to defenda

1 - 0 - 0
15 - 0 - 0
50 - 0 - 0
11 - 0 - 0
37 -11 - 0
49 - 1 - 0
34 - 0 - 7
04 -10 - 0
39--14 -10
37 - 5 - 6
15 - 0 - 0
39 - 5 - 3
4 -10 -11
21 - 0 - 0
6 - 0 - 0
58 - 3 - 6
17 - 0 - 0
47 - 4 - 4
14 -12 - 0
20 - 8 - 2
29 - 3 - 6
8 - 8 - 0
14 -14 - 9
26 - 0 - 0
19 - 5 -11
26 - 3 -10
73 - 1 - 1

1360 -12 - 2

Government's gain

5778 - 1 - 7 amount awarded to Govt.

1360 -12 - 2 amount to be paid by Government to defendant

Rs.4417 - 5 - 5 + future mesne profits and interest.

-- 2699 - 8 -11 Government Costs.

Rs. 1717 -12 - 6 + future mesne profits and interest.

Copy of letter from E.H. Gawne Esq., I.C.S., Collector of South Kanara, No. Ref. on A3-4677-21, dated 24th March 1927:-

Suits - Mangalore - Sub Court - O.S. No. 59 of 1924 - Deceased Rudrayya's escheat property - Recovery.

The above suit was filed by Government on 31st May 1924 for the recovery of the property of the deceased Rudrayya under the Board's sanction conveyed in B.P. No. 2786 Mis. dated 17th December 1923, claiming mesne profits for 12 years as specified in schedule E attached to the plaint. In the course of the trial of the suit there was a proposal from the contesting defendants in the suit that they would concede that there were no heirs of Rudrayya living at the time of th death of his daughter Saridevi if Government relinquished their claim for mesne profits for the period in excess of three years prior to the date of the suit. This proposal was accepted on behalf of the Government in accordance with G.O. No. 1995 Revenue, dated 17th November 1926, although there was further correspondence with regard to the terms of the compromise in Board's Reference A.No.5176/26-1, dated 12th November 1926, B.P. Mis. Confdl. No. 2778, dated 30th November 1926 and B.P. Mis. No. 44 dated 6-1-1927.

2. The Subordinate Judge disposed of the suit on 23rd December 1926 deciding it substantially in favour of Government. The points which were decided unfavourable to Government are specified below:-

1. Disallowing the claim of Government to nine of the plots on the ground that no evidence was adduced on behalf of Government to prove that they formed part of Rudrayya's estate.

ii. Disallowing the claims of Government to ten other plots assigned on darkhast after the settlement on the ground that they were granted on darkhast to the defendants concerned and Rudrayya had no tangible right in them and there was no obligation on the part of the Government to grant them on

darkhast to Rudrayya.

iii. Allowing the mulgeni right of the 22nd defendant in four of the plots viz. S.Nos. 28/1, 28/2, 28/3 and 28/4 assessed at Rs.8-10-0 holding that the defendant's father Dugga Gowda got the mulgeni chit Exhibit A executed by Shridevi in his favour in settlement of a doubtful claim and that the same is binding on Rudrayya's estate which is to get only the mulgeni rent of Rs.4-0-0.

iv. Allowing the mulgeni claim of defendants 24 to 27 to four other plots viz. S. Nos. 15/1, 15/2, 17/7B and 61/7 assessed at Rs.25-3-0 on the ground that they were granted on mulgeni by by Rudrayya himself in 1851 and the attempt made by Rudrayya to take possessions of them in suit O.S. 34/1865 on the file of the Taluk Munsif's Court, Puttur, failed and holding that Government are entitled only to the mulgeni rent of Rs.20.

v. Allowing only the rate of 6% on account of interest on mesne profits against 12% claimed by Government.

vi. Fixing the value of rice for purposes of mesne profits at the uniform rate of Rs.6-8-0 per mura instead of a the gazette rates which ranged from Rs.7-4-0 to Rs.8-0-0.

3. I recommend that these points be not further contested. All along the difficulty which the Government has had to face was the absence of any reliable witnesses on its side.

4. The Government Pleader, Mangalore, says that the price of rice fixed is adequate considering the situation of the property which is at the foot of the Ghats and that the rate of interest at 6% is the usual one and that he is of opinion that no appeal need be filed. As Government have succeeded substantially in this escheat suit and as it is doubtful if there are any valid grounds for a successful appeal, I recommend that the court's decision be accepted as final.

5. I am taking necessary action for the collection of the amount of costs mesne profits etc. decreed to Government and also for the recovery of possession of the property the claims to which have been allowed by the Subordinate Judge.

6. Copies of the Judgment and decree are enclosed for perusal and return. The Government Pleader states that the appeal time will expire on 15th May 1927.

Copy of letter from E.M.Gawne Esquire I.C.S., Collector of South Kanara Ref. on A3-4677-21 dated the 29th March 1927, to the Secretary to the Board, Land Revenue and Settlement, Madras.

Suits - Mangalore - Sub Court - O.S.59/1924 - Escheat. Board's Reference A.No.1968-27-1, dated 25th March 1927.

I have reported the result of the suit in my letter Ref. on A3-4677-21, dated 24th March 1927 which has crossed the Board's Reference in the post.

2. The suit was disposed of by the Subordinate Judge disallowing the claim of Government in respect of all the properties specified by the Government Pleader, Mangalore in his Schedules B & C except S.No. 115/3 and allowing the Government's claim in respect of all plots except S.No. 113/1 & 141 out of the properties mentioned in his Schedule A and allowing only the muli right in respect of the properties mentioned in Schedule D.

Suits (S. Kanara) – Mangalore Sub. Court – 8,359/24.

Escheat – Compromise –

From the Board of Rev, Rly Branch, Bo No 44 Secl dy 6.1.927.
(758/27).

minor papers.

To Under Secretary

fo 959 Rev dy 30.5.922
fo 995 Rev dy 17.11.926
fo 2074 Rev dy 4.12.926.

In Go No. 959 Rev dy 30.5.922, the Govt accepted the recommendation of the Board of Rev to claim by escheat the properties estimated at Rs 30,000 of the late Rudrayya in Kokkada & certain other villages of the Uppinangadi taluk, S. Kanara & directed that a suit be filed if necessary to recover possession of the properties – A suit was filed by the Collr in 924 in the Sub. Court, Mangalore in which the Govt claimed among other things mesne profits amounting to Rs 42,212 for 12 years prior to the date of the suit – During the trail, the defendants made a proposal that if the Govt relinquished their claim for mesne profits for the period beyond 3 years prior to the date of the suit, they would concede that the owner died intestate according to the contention of Govt – The local Govt Pleader & the Collr recommended that the proposal might be accepted – Under this proposal, the Govt had to give up their claim to mesne profits to the extent of about Rs 32,000 – The Board of Rev considered that as the value of the improvements on the land would have to be paid by Govt, it would be worth

p 36 dy (T)

para 3, p 4 of Go 995 17.11.26 (R)

para 1, p 5 of ibid

para 11, p 8 & para 4, p 4 of Go ibid

para 3, p 4 ibid

para 3, p 2 of Go ibid

while endeavouring to compromise the suit, provided that the claim for the value of the improvements by the defendants is cancelled by the claim for mesne profits - the Govt agreed with the Board - vide G.O. No. 4995 Rev dy 17.11.1926 - p 14 of (R)

2/ At the instance of the Govt Pleader, Mangalore, the Coll recommended that the ~~compromise~~ original proposal of the defendants might be ~~accepted~~ unconditionally - The Board preferred to compromise the suit outright subject to the following conditions :- p 37 of G.O. 2074 Rev dy 4.12.1926 (R)

(i) Govt should immediately be put in possession of the lands together with the improvements effected thereon para 2, p 2 of G.O. ibid

(ii) Govt give up mesne profits except for 3 years prior to the date of the suit & subsequent to the suit & (iii) Govt agree to pay the value of the improvements to the defendants & also costs, if the total is less than the mesne profits to which Govt are entitled under condition (ii) -

The Coll was instructed to arrange for a compromise on the above lines -

3/- The Coll, on discussion with the Govt Pleader, Mangalore, considers that it will not be possible to have an outright compromise on the lines suggested The reasons are given in para 2 the Coll's letter & p 2 of the Govt Pleader's letter - pp 6 & 7 ps - The Coll has accordingly authorised the Govt Pleader to accept the original proposal of the defendants & to proceed into the... pp 1 & 2 ps para 2, p 2 ps I should understand

The Board has recorded the Coll's letter & submitted a copy of the Rpt & Govt for perusal

No remarks seem called for on the Rpt which may be recorded-

A draft order is submitted-

12/1/27 I do not understand the argument of the Govt. Pleader

MMV 12/1.27

To Under Secy.

The Board instructed the Coll. to compromise the suit subject to the following among other conditions:-

(i) Govt should immediately be put in possession of the lands together with the improvements effected thereon & (ii) Govt agree to pay the value of the improvements to the defendants & also costs, if the total is less than the mesne profits to which Govt are entitled-

1.26 (V)

Condition (i).

The lands concerned in the suit are given in the schedules A, B, C & D on pp. 3 & 5 of. The Govt Pleader states that Govt will succeed in getting possession of the lands in Schedule A only, that the ~~claim~~ claim of Govt to the properties in Schedules B & C is ~~dumb~~ weak & doubtful & that, in respect of lands in Schedule D, though the Govt are entitled to them the Govt will not get actual possession - Condition (i) above is not therefore ~~not~~ satisfied -

Condition ii.

Leaving out of account the lands in schedules ii B, C, D, the Govt. Pleader states that condition ii is satisfied.

As it will not be possible to have an outright compromise on the lines suggested by the Board the ~~Govt. Pleader~~ Collr. Collr has authorised the G.P. Pleader to accept the original proposal of the defendants without any condition.

Please see page 2 of V, condition 1

Presumably by "the lands in question" the Board meant all the lands. But the Govt. Pleader reports that the Govt. cannot get possession of all the lands MMV 18.1.27

S

I do not understand. Please explain

19.1.27

To Under Secy

Please see the Secretary's remarks on ~~p~~ 2 and above.

Two of the issues framed by the Sub. Judge in the suit filed by Govt. were

(i) Whether Rudrayya has no heirs & whether the plaintiff (Govt.) is entitled to his estate on the right of escheat

& (ii) & what mesne profits, if any, the plaintiff (Govt) is entitled & from which of the defendants & for what period; whether the rate claimed is correct & whether plaintiff is entitled to claim interest, & if so, at what rate

[The Govt claimed mesne profits for 12 years prior to the date of the suit]

The burden of proving the contention in issue no (i) being on the Govt, the local Govt Pleader pointed out that there was considerable difficulty in adducing satisfactory evidence on it & proving it.

The defendants, however, proposed that if the Govt should relinquish their claim for mesne profits for the period beyond 3 years prior to the date of the suit, they would concede that there were no heirs of Rudrayya living at the time of the death of ~~Rudrayya~~ his daughter who was the last heir of Rudrayya according to the contention of Govt.

The Collector recommended the acceptance of the proposal of the defendants. The Board, however, was in favour of compromising the suit outright provided the conditions set out in para 2 of its Rep. on p 2 of Govt No 2074 Rev 7 4·12· of 26 were satisfied.

The Colr & the Govt local Govt Pleader (point out in the Cpt) ~~Govt~~ that it will not be possible to have an outright compromise

~~with~~ lines suggested by the Board, as some of the ~~other~~ ~~conditions~~ conditions laid down by the Board ~~authorizing the G.P. to accept the proposal~~ cannot be satisfied, as pointed out in the office note on pp 3 & 4 supra. The Govt has authorized the G.P. to accept the original proposal of the defendants, [viz, that they should concede that ~~there~~ there were no heirs of Rudr. at the time of the death of his daughter, the last heir of Rudrayya & that the Govt should give up their claim for mesne profits for the period beyond 3 years prior to the date of the suit,] ~~for the~~ and to proceed with the case as the entire suit has not been compromised by accepting the proposal, ~~but only~~ the Govt ~~is~~ relinquishing a portion of the claim. ~~The defendants according to~~

MMV 28.1.27

27+27
28.1.27

To Mr Ley

The Secretary raised the question why the compromise should not be confined to the lands mentioned in Schedule A, if, as the Govt Pleader says, the claim of Govt to lands in schedules B, C, & D is weak & doubtful. The Secretary also directed that if there is no information in the papers to back up & answer the question, a report should be made to the Re

Copies of the plaint & the written statement
have been submitted to the Govt & there is no
information in the papers available to answer
the Secretary's question. The question may
put to the Board for remarks.

A draft orn is submitted.

21.2.27 In the suit the Govt. is the
plaintiff

page 2 c/f The Collector has reported that he
has authorised the Govt. Pleader
to accept the original proposal of
the defendents - i.e. Govt to
relinquish their claim for mesne
profits for the period beyond 3 years
prior to the date of the suit, defts.
to concede that there were no heirs
of Rudraya living at the time of the
death of his last heir
The Collector was originally directed
to accept the compromise provided
the amount of mesne profits to which
Govt. will be entitled finally under
the compromise is not less than the
value of the improvements which Govt.
will have to pay.
From the report on page 2 c/f it
appears that the Collector has
considered this proviso.

clerk's note above. I am not sure that the clerk has understood the intention of the Secretary. Is it the Secretary's intention that the Govt. should withdraw from the suit in respect of the properties in Schedules B.C. and D? If so, the Govt. Pleader may be asked what costs the Govt. would have to pay for withdrawing

That was my idea.

MMV
2.3.27

S

Draft for the G.P. | - carefully [illegible]
6.3.27

To Mr. Lee

A draft order is submitted -

2/. As it is not usual for the Govt. to correspond direct with the Govt. Pleaders in the Mofussil the order is addressed to the Board.

Comdr
11.3.27

MMV 10.3.27

S

Draft for approval | 11.3.27

C~ MV 16/3

C. CPR 17.3.27

Issue | 18.3.27

[1781(A)/27] From the Board of Rev, Lahore, Reg A 468/29-2 dy 23.4.927

To Under Secy.

Last Date for filing an appeal is 15-5-927

Please see the Hon ble Mr's remarks on pp 7 & 8 supra & the Opy on pages 7-9 C.f.

The suit has been decided practically on the lines on which the Govt proposed to compromise it. The Collectors reports on pp 15-16 C.f give the points on which the decision was against the Govt. The local Govt Pleader was of opinion that the Govt would not succeed on these points - vide paras 2 & 4 pp 6 & 7 C.f. The net result of the decision is that Govt get Rs 1717-12-6 + future mesne profits & interest -

Annual, p 11 C.f
para 2, p 15 C.f
& p 19 C.f

p 13 C.f
para 3 & 4, p 16 C.f
para 2, p 12 C.f

The Coll & the Board consider that no appeal need be filed against the Subjt decision on these points.

It is for orders whether the Govt will agree with the Board & the Coll.

p 17 C.f

The latest date for filing the appeal is 15-5-927

Special in Office MMY 7.5.27

Please see pp. 11-17 C.f
5-5-27 An appeal need not be filed
MMY 7.5.27
S
8.5.27
C. Wells 9.5.27
C. Cox 9.

to U.S

A draft order is submitted

10.5.27

S

Issued 10.5.27

9.5.27

9.5.27

Sect. II-15 (a)—48,962—2-2-22. (6) 21/25

Revenue DEPARTMENT

	Date.	Initials.
When received for Fair-copying.		
When copied ..	12/5	
When examined ..		
When signed ..		
When despatched ..		

READ AGAIN G.O. No. 959 Rev, dated 30. 5 1922

" " " " 1995 Rev, " 17. 11. 1926.

2074 Rev 4. 12. 1926

READ ALSO;—

C. No. 75 Rg/27, From the ... and of Revs (dRAs) Rec 44 , dated 6. 1. 1927

Memo to the Board of Revs (dRAs, 75 Rg/27. 1 of 18. 3. 927)

" " 1781 Rg/27 " " from the Board of Revs (dRAs, Rgt A 1968-27-2 of 29. 4. 1927)

" " " " " " " " 192

ORDER.

No. 900, dated 12 5 1927

Ms

12/5/27

Please mine today

12/5/27

The Govt agree with the Collector of South Kanara & the Board of Revs & direct that no appeal need be filed against the decision in O.S. 59/24 on the file of the Sub Court, Mangalore relating to the Rudrayya's Estate property of Rudrayya deceased.

MMV

10.5.27

DESPATCHED with Govt letter MAYOR dtd 10.5.27

The Board of Revs (dRAs, 12/5 with enclosures.

by Order of Govt of S. Kanara.

by 9.5.27

10.5.27